

DETAILED ACTION

Response to Amendment

1. This office action has been issued in response to the amendment filed 08/19/11. Claims 16-17 are pending in this application. Applicant's arguments have been carefully considered, but are not persuasive in view of the prior art as applied to a broadest reasonable interpretation of the claims and/or moot in view of new grounds of rejection necessitated by amendments to the claims. The examiner appreciates Applicant's effort to distinguish over the cited prior art by amending the claim language in an attempt to distinguish or clarify the claimed invention, however, upon further consideration and/or search, the claims remain unpatentable over the cited prior art for the reasons articulated in the "response to arguments" section below. All claims pending in the instant application remain rejected and clarification and/or elaboration regarding why the claims are not in condition for allowance will hereafter be provided in order to efficiently further prosecution. Accordingly, this action is made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 16-17 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed "synchronization controller for receiving an upper command which is not based on a file system of an access device and a lower command based on the file system of the access device, and for controlling said file system interface controller and said low-level IO interface controller based on the received upper and lower commands" feature does not appear to be supported in the original disclosure. A review of the original disclosure finds this limitation to be contradictory to what is disclosed in paragraph 0094 and 0163 of the instant application's US PGPub # 20080288710, thus the examiner has not found any clear support for the added limitation so that the claims fail to meet the guidelines set forth by 35 U.S.C. 112, first

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paragraph. Applicant must show that there is clear and/or explicit support for the added limitation(s) in the original disclosure or remove the new matter from the claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. **Claims 16-17 are rejected** under 35 U.S.C. 102(e) as being anticipated by Sasaki et al. (US PGPub # 20050036372)

With respect to **independent claim 16** Sasaki discloses a semiconductor memory device comprising:

a nonvolatile memory that comprises a plurality of sectors, a certain number of continuous sectors which are grouped as a block of a minimum unit for data erase, and stores file system management information used for management in a file system [*Sasaki abstract, Fig. 5, paragraph 0068*];

a file system interface controller for performing file access processing to said nonvolatile memory on the basis of the file system stored therein [*Sasaki 0004, 0055*];

a low-level IO interface controller for performing file access processing to said nonvolatile memory without the basis of the file system stored therein [*Sasaki 0057, 0061*];

a synchronization controller for receiving an upper command which is not based on a file system of an access device and a lower command based on the file system of the access device, and for controlling said file system interface controller and said low-level IO interface controller based on the received upper and lower commands [*controller receives various commands (Sasaki abstract, 0010, 0044, 0048)*]; and

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a temporary storage memory for temporarily storing file system management information read from said nonvolatile memory by said file system interface controller through accessing [*buffer 36 in Sasaki Fig. 5*], wherein

said synchronization controller updates the file system management information stored in said temporary storage memory when at least one of said upper and lower received commands is a command which changes said file system management information stored in said temporary storage memory [*write or erase commands update storage (Sasaki 0061)*].

With respect to **dependent claim 17** as applied to claim 16 Sasaki discloses wherein said file system interface controller and said low-level IO interface controller perform file access processing to a file existing in a common area of said nonvolatile memory [*Sasaki abstract, 0061, 0065, 0068*].

Response to Arguments

6. Applicant's arguments filed 08/19/11 have been fully considered but are not persuasive in view of the prior art and/or moot in view of new ground(s) of rejection necessitated by amendment to the claims. All claims pending in the instant application remain rejected. Please note that any rejections/objection not maintained from the previous Office Action have been rectified either by applicant's amendment and/or persuasive argument(s).

7. New and/or amended grounds of rejection necessitated by amendments to the claims have rendered any remaining non-addressed remarks non-persuasive.

Conclusion

When responding to the office action, **any new claims and/or limitations should be accompanied by a reference as to where the new claims and/or limitations are supported in the original disclosure.**

Amendments to the claims have necessitated new and/or amended ground of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marwan Ayash whose telephone number is 571-270-1179. The examiner can normally be reached on Mon-Fri 9am-6pm. The examiner may be reached via email for unofficial correspondence at marwan.ayash@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571)272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marwan Ayash - Examiner - Art Unit 2185

/Sanjiv Shah/

Supervisory Patent Examiner, Art Unit 2185